

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EMECO INDUSTRIES, INC.,

Plaintiffs,

-against-

EAST END N.Y. IMPORTS, INC., et al.,

Defendants.

Case No. 1:13-cv-03795
(JBW-VVP)

**(Second) STIPULATION
EXTENDING TIME**

IT IS HEREBY STIPULATED AND AGREED, by the undersigned attorneys for Plaintiff and Defendants herein, that Defendants' time to answer or move, with respect to Plaintiff's Complaint herein, is hereby extended through **September 17, 2013** due to defense counsel's unexpected medical issues;

IT IS FURTHER STIPULATED AND AGREED, as follows: a) Defendants *expressly waive* any argument or claim that the current and/or former extension are a defense to a motion for a preliminary injunction or temporary restraining order; b) the additional time granted by the current and/or former extension shall not be asserted by or on behalf of any Defendants or considered in any calculation of "unreasonable delay" in opposition to a motion by Plaintiff for a preliminary injunction or temporary restraining order; and c) the current and/or former extension will not otherwise prejudice any rights or remedies that may be available to Plaintiff.

IT IS FURTHER STIPULATED AND AGREED, that this Stipulation may be executed by facsimile and in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same document.

Dated: August 28, 2013

HESLIN ROTHENBERG FARLEY & POLTORAK PC
MESITI P.C.

By: /Alana M. Fuierer/
Susan E. Farley, Esq. (SF-3055)
Alana M. Fuierer, Esq. (AF-3582)
5 Columbia Circle
Albany, NY 12203
(518) 452-5600
amf@hrfinlaw.com
Attorneys for Plaintiff

By: /Elie C. Poltorak/
Elie C. Poltorak, Esq. (EP-8791)
1650 Eastern Parkway, Suite 400
Brooklyn, NY 11233
(718) 943-8815
elie@poltoraklaw.com
Attorneys for Defendants

SO ORDERED

Dated: August __, 2013

Honorable Viktor V. Pohorelsky
US District Court Magistrate Judge